

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JESSICA BIBB,

Plaintiff,

v.

SHASTA COUNTY HEALTH AND
HUMAN AGENCY, et al.,

Defendants.

No. 2:22-CV-01894-DC-DMC

ORDER

Plaintiff, who is proceeding pro se, brings this civil action. Pending before the Court is Plaintiff's first amended complaint, ECF No. 10.

The Court is required to screen complaints brought by litigants who have been granted leave to proceed in forma pauperis. See 28 U.S.C. § 1915(e)(2). Under this screening provision, the court must dismiss a complaint or portion thereof if it: (1) is frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. See 28 U.S.C. § 1915(e)(2)(A), (B). Moreover, pursuant to Federal Rule of Civil Procedure 12(h)(3), this court must dismiss an action if the court determines that it lacks subject matter jurisdiction. Because plaintiff has been granted leave to proceed in forma pauperis, the court will screen the complaint pursuant to § 1915(e)(2). Pursuant to Rule 12(h)(3), the Court will also consider as a threshold matter whether it has subject-matter

1 jurisdiction.

2 Initially, Plaintiff asserted several claims against multiple Defendants. See ECF
3 No. 10. The District Judge adopted Findings and Recommendations, ECF No. 18, dismissing all
4 of Plaintiff's claims, some with leave to amend, and permitting Plaintiff's Fourth Amendment
5 claim against Defendant Endecott to proceed. See ECF No. 20. In response, Plaintiff filed a notice
6 of non-opposition stating she wished to proceed on the Fourth Amendment claim against
7 Defendant Endecott and not amend the additional claims. See ECF No. 21. The Court will
8 construe Plaintiff's filing as a voluntary dismissal of the other claims and Defendants. See Fed. R.
9 Civ. P. 41(a)(1)(A)(i). The remaining claims and Defendants will be dismissed, and the
10 complaint will proceed on Plaintiff's Fourth Amendment claim against Defendant Endecott.

11 In the surviving claim, Plaintiff asserts that her daughter "was seized from her
12 school [by Defendant Endecott] and a police officer, without a warrant, probable cause, exigent
13 circumstances, or parental consent." ECF No. 10, pg. 48. The Court concludes that it has subject
14 matter jurisdiction, and that the complaint is appropriate for service by the United States Marshal
15 without pre-payment of costs. If Plaintiff desires service of process by the United States Marshal
16 without pre-payment of costs, Plaintiff must comply with the requirements outlined below.
17 Plaintiff is warned that failure to comply with this order, or otherwise effect service pursuant to
18 Federal Rule of Civil Procedure 4, may result in dismissal of the action for lack of prosecution
19 and failure to comply with court rules and orders. See Local Rule 110.

20 Accordingly, IT IS HEREBY ORDERED that:

21 1. Defendants Shasta County Health and Human Agency, Cumpston,
22 Bigelow, Martinez, Shasta County Counsel, Fisher, and Ayers, are DISMISSED from this action
23 on Plaintiff's notice at ECF No. 21, which is construed as a notice of voluntary dismissal.

24 2. The Clerk of the Court is directed to TERMINATE Shasta County Health
25 and Human Agency, Cumpston, Bigelow, Martinez, Shasta County Counsel, Fisher, and Ayers as
26 parties to this action.

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3. The Clerk of the Court shall issue a summons in a civil case, the undersigned's new case documents, and an order setting this matter for an initial scheduling conference.

4. The Clerk of the Court shall send Plaintiff the summons, one USM-285 form, and a copy of the complaint.

5. Within 15 days from the date of this order, Plaintiff shall complete the summons by indicating the addresses of the named Defendant and shall submit to the United States Marshal at the address indicated below the following documents:

- a. The completed summons.
- b. One completed USM-285 form for Defendant Endecott.
- c. Two copies of the complaint.
- d. One copy of the Court's initial scheduling conference order issued herewith.

6. Within 20 days of the date of this order, Plaintiff shall file a notice indicating that the documents described above have been submitted to the United States Marshal, or a notice that Plaintiff intends to serve the summons and complaint without assistance from the United States Marshal.

7. If Plaintiff seeks the assistance of the United States Marshal, the United States Marshal is directed to serve all process without pre-payment of costs not later than 60 days from the date of this order, such service of process to be completed by serving a copy of the summons, complaint, and initial scheduling conference order on the Defendants at the addresses provided by Plaintiff.

8. The Clerk of the Court is directed to serve a copy of this order on the United States Marshal at 501 "I" Street, Sacramento, CA, 95814.

Dated: August 20, 2025


DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE